

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/20/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRINK'S GLOBAL SERVICES USA, INC.,  
Plaintiff,  
-against-  
ARAT JEWELRY CORP., et al.,  
Defendants.

22-CV-6653 (PGG) (BCM)

**ORDER REGARDING  
DISCOVERY CONFERENCE**

**BARBARA MOSES, United States Magistrate Judge.**

The Court has carefully reviewed the parties' arguments in favor of and in opposition to defendants' application to reopen fact discovery to permit the deposition of Bruce Woerner. (Dkts. 191, 193, 194, 200, 201.)<sup>1</sup> A conference has been scheduled with regard to that application for October 4, 2023. (*See* Dkt. 198.)

It is hereby ORDERED that, no later than **October 2, 2023**, the parties shall submit a joint letter updating the Court (or providing their opposing views, where applicable) as to:

- (1) Whether the Woerner deposition went forward on September 29, 2023, *see* Dkt. 200 at 2; Dkt. 201 at 2, or will go forward on some other date, in the California action;
- (2) If so, whether plaintiff Brink's Global Services USA, Inc. (Brink's) attended that deposition, *see* Dkt. 200-2, ¶ 2, or will attend it on some other date;
- (3) Whether the agreement between the parties "that discovery taken in one of the two cases can be used in the other two cases [sic]," *see* Dkt. 191-2 at 8:21-9:5, has been terminated or

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<sup>1</sup> The Court notes that the unredacted version of defendants' reply letter-brief, filed under seal (Dkt. 201), includes the full text of the letter-brief itself, as well as Exhibit 2, but does not include Exhibits 1 and 3, which are non-confidential and are attached only to the redacted version of the letter-brief, filed in public view. (Dkt. 200.) The Court appreciates defendants' effort to avoid duplication. In the future, however, the Court requests that any brief or letter-brief filed under seal be complete unto itself, such that the Court need not review multiple docket entries (or ask its staff to assemble a composite document) in order to consider the argument in full.

otherwise rendered inapplicable to the Woerner deposition in light of the ruling of the California Superior Court, *see* Dkt. 194-9, staying the California action as against Brink's;

(4) Whether, in light of the ruling of the California Superior Court, defendants in this action intend to assert some or all of their stayed California claims as counterclaims here;

(5) If so, on what schedule; and

(6) Whether the parties anticipate the need to reopen fact discovery for any purpose other than the proposed Woerner deposition.

It is further ORDERED that the parties' sealing motions at Dkts. 192 and 199 are GRANTED for substantially the reasons set forth therein. Defendants are reminded that requests to file materials under seal (*e.g.*, Dkt. 199) should be filed as *motions* or *letter-motions* (not as letters). *See* SDNY ECF Rules & Insts. § 6.5; Moses Ind. Prac. § 3.

Dated: New York, New York  
September 20, 2023

**SO ORDERED.**



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**BARBARA MOSES**  
United States Magistrate Judge